

O, Times, O, Customs.

By William F. Buckley Jr.



SEN. THOMAS DODD (D., Conn.) at this point being tried by three separate courts. The first is made up of the Justice Department (the FBI) and the Internal Revenue Service. The Senator forwarded his entire files to these agencies when he learned of the discourtesy of his former employees in neglecting to make available to the Government copies of the material they so obligingly forwarded to Drew Pearson, whom they have adopted as the attorney general of the cosmos.

Second, Sen. Dodd is being, in effect, tried by a committee of the Senate, which is endeavoring to ascertain whether Sen. Dodd has broken any rules having to do with his special obligations as a senator.

And, third, Sen. Dodd is being tried in the public press.

The circumstances appear to indicate that the most lethal of the three tribunals emerges as the third. Neither the Justice Department nor the Internal Revenue Service has yet suggested that the Senator is guilty of any criminal impropriety. The Senate committee has yet to render judgment, but it is hardly improper, inasmuch as such testimony as the committee has heard is publicly available, for observers to conclude that the senators have yet to receive any evidence of malfeasance or fraud — indeed at this point the entire williwaw involving Gen. Julius Klein seems utterly remote and irrelevant.

But the Senator is most clearly losing prestige before the third tribunal which, for a politician, is a decisive one, since his career and liberty depend on the confidence in him of his public constituency.

The evolution of the case against the Senator is of generic interest. Several of his employees, by their own admission, conspired to lift his personal files and turn them over to Drew Pearson. For months and months Mr. Pearson exercised a monopoly in presenting the entrails of Sen. Dodd's life to the public. But a week ago the august New York Times, which in its editorial columns frequently celebrates the rights of privacy, got in on the operation and began publishing front-page stories based on the Senator's files. Where did the Times get those files? Not, the reporter Mr.

Kenworthy swore, from the Senate committee — that would be most unethical. Presumably not from the FBI or from IRS. And presumably not from Sen. Dodd, who whatever his faults is not an exhibitionist. From, one deduces, the same gentlemen who took the files in the first instances, namely, Messrs. Boyd and O'Hare and/or other members of their hot-documents ring.

The New York Times was given material showing that Sen. Dodd had been twice perhaps even thrice — reimbursed for a round-trip to Los Angeles in February, 1964. What could have been the explanation? The Times offered none, noting only that the Senator was unavailable for comment. I called the Senator's office and learned that yes, Mr. Kenworthy had put in a call on a Thursday, but the Senator had not been available on that particular afternoon. Whereupon the Times rushed off to publish a damaging story which rocketed about the country, causing the Senator to lose a great many points before the Third Tribunal.

The facts? Well, one fare was reimbursed by the Committee on Juvenile Delinquency, in whose behalf the Senator had indisputably gone to the West Coast. Another fare was reimbursed by the U.S. Junior Chamber of Commerce in Los Angeles, before which the Senator had spoken at an annual affair and without honorarium, and which, according to testimony published THREE days later, was fully aware that Mrs. Dodd would accompany the Senator and "understood" — to quote the letter sent to Dodd by the head of the banquet committee, "that you would bring Mrs. Dodd and a member of your staff to Los Angeles and that we would reimburse an air fare."

This leaves an apparent reimbursement by a Connecticut Dodd Committee which had accumulated funds for the use of Dodd, contributed by his well-wishers.

Why was the committee charged a third fare? A good question, reaching into the matter of Sen. Dodd's efficiency as a supervisor of his own bookkeeper, at which I would tend to rate him very poorly. But the administrative efficiency of the Senator is a matter the ventilation of which by the use of stolen documents raises especially interesting questions when one remembers that the deft use of such material can do as much damage to a public career as a court of law to a criminal; with this crucial difference, that rules of judicial procedure obtain in a court of law, but not, even analogously, in the public press.